

## **ARCH CAPE FALCON COVE BEACH COMMUNITY CLUB**

### **Potential Changes to Short-Term Rental Ordinances**

November 8, 2021

Clatsop County Board of Commissioners  
c/o Gail Henrikson, Director  
Clatsop County Community Development  
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Dear Commissioners:

Arch Cape Falcon Cove Beach Community Club (Community Club) is a neighborhood community organization founded in 1966 to maintain and enhance the livability and sense of community in Arch Cape and Falcon Cove Beach, and to protect the natural, scenic, open space, historical and cultural aspects of the area and land.

#### ***PROBLEMS WITH SHORT-TERM RENTALS***

The Community Club supports the moratorium and the effort to improve regulation of STRs in Clatsop County because we know the following from first-hand experience:

1. That noise, street parking, spilled garbage, late-night check-ins, dogs running loose, and many other nuisances arising from STRs are impacting the livability of our neighborhoods;
2. That excessive tourism puts a strain on local infrastructure including roads, sewer and septic systems, and water sources that are already in short supply;
3. That most STRs are within critical hazard areas that are threatened by earthquakes, tsunamis, landslides and coastal erosion from high tides and sea level rise;
4. That many of the emergency responder calls in our area involve visitors;
5. That STRs are fueling a housing shortage for renters, and an affordable housing crisis for many people seeking to buy a residence;
6. That an increasing number of STR owners are investors disconnected from our coastal culture and community; and
7. That the proliferation of commercial STR businesses being operated in our exclusively residential zones is not something which was planned. The growth of the STR industry is like a stealth invasion that reaches a critical mass and overtakes the residences and residents alike.

The list of reasons why STRs in residential neighborhoods are problematic and may require not only additional regulation but also a phase-out plan similar to Lincoln County's is compelling. On the other hand, phasing-out STRs would have financial and possibly legal ramifications, and would draw strong opposition from STR owners and visitors as well.

### ***A TASK FORCE TO THINK BIG***

The Community Club believes what is missing at this point is a strategic vision to manage tourism in a responsible and regenerative way. Early on in this process there was discussion of forming a Task Force on STRs. That idea seems to have been lost as County Commissioners move away from community group efforts and toward Town Halls organized and conducted by Staff. The Town Halls seem to working as far as they go, but there needs to be a bigger plan which seeks to rebuild, redefine and reset the direction of tourism in Clatsop County. It should identify areas of need as well as solutions for enhancing residents' quality of life and improving visitor experiences.

An example of a collaborative solution might involve a community-wide rotating calendar or reservation system for STRs which budgets dates among houses and neighborhoods. To be sure rules are understood, the owner or, if the owner is not available when guests arrive, a local employee or neighborhood volunteer might meet the guests on site and give them an orientation to the community. Yes, this would require coordination between owners and residents, but this is possible and could prevent a myriad of problems, as well as fostering better neighbor relations.

Another example might involve creating a reservation and/or payment system for visitors at our State and County Parks. While not directly regulating STRs, setting capacity limits would help spread out visitors and perhaps spread out the strains on the neighborhoods, infrastructure, etc. Funds raised could be used for interpretive trail signs and beach programs such as Haystack Awareness.

The Community Club urges the County to think big. Tourism is a big industry, and STRs are a big problem within it. They are especially a big problem within our small Southwest Coastal planning area, which has half of all STRs in unincorporated Clatsop County. We want, and the County needs, real and lasting solutions which both residents and owners support, and which will allow everyone to peacefully coexist as good neighbors.

### ***LENGTH OF STAY***

With regard to the specific issue of length of stay or, more accurately, a limit on the number of rentals per week or month, the Community Club has the following comments:

1. If the ordinances are to be merged, the Arch Cape STR ordinance is the superior ordinance. It was drafted by the community, adopted by the Commissioners in 2004, and served as the model for the 2018 countywide STR ordinance. For the most part the two ordinances are identical, with two significant differences. One, Arch Cape limits rentals to one per week while the Countywide ordinance has no limit on number of rentals; and two, Arch Cape prohibits on-street parking. The limit on rentals reflects the neighborhood character and family beach vacation tradition of the community. The onsite parking rule reflects the fact that most streets in Arch Cape are too narrow to accommodate emergency vehicles when cars are parked along them.

2. However, the Community Club advocates expanding regulations on STRs beyond what is in the existing ordinances. The Club would support a rule similar to Cannon Beach's which permits only two rentals per month. This decision was made after a Task Force review of impacts on the community, and many of the findings would seem to apply to the neighboring unincorporated areas as well as Cannon Beach. And the Oregon appellate courts have already considered and rejected a challenge to the 14-day rule in a case which argued it was a "taking."

3. We strongly oppose any reduction or elimination of the 7-night length of stay rule for Arch Cape. This rule is the Purpose underlying the 2004 ordinance. See Sec 5.4910 *et seq.*

4. Arch Cape currently has 75 active STR, which is 40% of the total rentals. Yet only 13% of the complaints registered with the County from 2018-2021 arose in Arch Cape. By contrast, Warrenton has 42 rentals and 29% of the complaints. Cove Beach has 21 rentals and 34% of the complaints. The difference between these communities? Arch Cape limits the number of rentals, while there is no limit on rentals outside Arch Cape.

5. With regard to areas outside Arch Cape, many of which are Rural Lands in which STRs are not a permitted use, we urge the County to work with residents to create a plan for phasing out rentals or to otherwise find a way to accommodate the needs of residents with the desire of some property owners to obtain rental income.

6. From a planning standpoint, STRs were never intended as transient lodging or to compete with hotels, motels and inns. They were intended as a home-away-from-home, a place for a family or friends to live while on vacation.

7. Concerns that a length of stay rule may make STRs off-limits to those who cannot afford to stay a week or more reflect a misunderstanding of the rule. Arch Cape does not require a renter to stay for a week, only that the home not be rented again until a new week starts. As a practical matter, most renters are weekenders, and most rentals are for two nights.

### ***OCCUPANCY***

Both ordinances ignore the fact these STRs are single family homes. 2-3 persons per bedroom plus 2-4 additional persons, with a maximum of 14, is not the average single family. Occupancy should be reduced to mitigate demands on infrastructure, reduce parking problems, and contain the activity impact on neighbors. The maximum occupancy should be two people per legal bedroom with a maximum of eight per home. Common areas should not be used for sleeping.

Thank you for considering these comments, and we are happy to work with Clatsop County on this important matter.

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